

Agriculture Commission Ordinance /Draft 9/17/19/13

Whereas: The Town of East Hampton recognizes that there is a significant amount of land and residents participating in an agricultural way of life.

Whereas: The Town of East Hampton wishes to enhance communication between the Municipal body and the East Hampton agricultural community.

Whereas: The Town of East Hampton wishes to promote, protect and preserve the quality of agricultural and farm life and the character of East Hampton as per the East Hampton Plan of Conservation and Development.

Be it resolved that the Town of East Hampton hereby creates an Agriculture Commission (the "Commission") to be advisory to the Town Council and other Town officials;

And be it further resolved that the Town of East Hampton shall provide staff and budgetary support to effectuate the performance of this Commission;

And be it further resolved that the Commission follow the provisions set forth in Connecticut General Statutes 7-131a and Public Act No. 11-188 including addition to the following charges:

CHARGES: The Commission shall extol the role of East Hampton's natural resources and agriculture as major contributors to the Town's quality of life and the economy. The Commission will advocate for agricultural issues before non-profit agencies, civic organizations, municipal boards and commissions, elected officials and residents. The Commission will adhere to and promote East Hampton's "Right to Farm" ordinance while fostering public awareness of the importance of agriculture and how this enhances and preserves East Hampton's small town character.

In addition, the Commission shall:

1. Provide information to local farmers and to municipal boards and commissions about the benefits of a balance between agriculture and other land uses; and review and make recommendations to improve the balance between agriculture and residential property owners.
2. Provide information and guidance on protecting farmland and agricultural viability -- related to taxes, PA490 classifications, zoning, wetlands, watercourses, public infrastructure works and others -- to town departments and other boards and commissions and residents.
3. Review existing and proposed East Hampton zoning regulations and other regulatory provisions relating to agriculture and provide information, guidance and recommendations to appropriate Town departments, boards, commissions and residents;
4. Promote the value of agriculture to the Town in areas of property taxes, environment, employment and other quality of life and economic issues.
5. Increase awareness of East Hampton's agricultural enterprises, including recognizing and supporting existing and new farms and identifying opportunities to preserve and expand agriculture.
6. Serve as a conduit between local farmers and East Hampton government, non-profit agencies, civic organizations and non-farm residents and provide advisory services.
7. Act as a Town resource for agriculture and conservation information; educate municipal officials about agricultural laws and safety issues.
8. Identify, pursue and sponsor grant sources for farmers and municipalities.
9. Support local, regional and state vocational agricultural programs concerning agricultural matters.
10. Identify innovative opportunities for agriculture.

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~~10.11.~~ Create a climate that supports the economic viability of agriculture in East Hampton.

MEMBERSHIP: The Agriculture Commission shall consist of seven (7) voting members appointed by the Town Council ~~at least two (2) of which shall be from the agriculture community.~~ In addition, ~~a student member of East Hampton High School Science department~~ ~~three (3) East Hampton youths, under the age of 19~~ shall serve as ~~a non-voting ex-officio members recommended by the Commission~~ and appointed by the Town Council. The failure of a voting member to attend four (4) consecutive meetings of the Commission may constitute cause for the Town Council to remove the member and fill the position thus vacated. A chair and vice chair shall be elected by the Commission and serve for a term of one year.

LENGTH OF TERM: The members of the Commission shall serve ~~two~~ ~~three~~-year terms, provided, however, that with the first appointment by the Town Council, four regular members shall be appointed for ~~two~~ ~~three~~-year terms with the remaining members appointed for ~~one~~ ~~two~~-year terms. The ex-officio ~~student youth~~ members shall serve ~~a~~ one-year terms.

This Ordinance shall take effect ~~twenty-five~~ ~~(1520)~~ days after publication in accordance with Connecticut General Statutes.

☐ Dated at East Hampton Connecticut this ____ day of ____ 2013.

Note: The above ordinance was adapted from Lebanon's "Agriculture and Conservation Commission Ordinance." Items 1 and 6-10 are from the State of Connecticut's Public Act No. 11-188: an Act authorizing local and regional agricultural councils and concerning consideration of agriculture in local plans of Conservation and Development and Zoning Regulations. This Act was approved 7/13/11.

9/519/13 Draft

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And be it further resolved that the Town of East Hampton shall provide staff and budgetary support to effectuate the performance of this Commission;

And be it further resolved that the Commission follow the provisions set forth in Public Act No. 11-188 including the following charges:

CHARGES: The Commission shall extol the role of East Hampton's natural resources and agriculture as major contributors to the Town's quality of life and the economy. The Commission will advocate for agricultural issues before non-profit agencies, civic organizations, municipal boards and commissions, elected officials and residents. The Commission will foster public awareness of the importance of agriculture and how this enhances and preserves East Hampton's small town character.

In addition, the Commission shall:

1. Provide information to local farmers and to Municipal boards and commissions about the benefits of a balance between agriculture and other land uses; and review and make recommendations to improve the balance between agriculture and residential property owners.
2. Provide information and guidance on protecting farmland and agricultural viability -- related to taxes, PA490 classifications, zoning, wetlands, watercourses, public infrastructure and others -- to town departments and other boards and commissions and residents.
3. Review existing and proposed East Hampton zoning regulations and other regulatory provisions relating to agriculture and provide information, guidance and recommendations to appropriate Town departments, boards, commissions and residents;
4. Promote the value of agriculture to the Town in areas of property taxes, environment, employment and other quality of life and economic issues.
5. Increase awareness of East Hampton's agricultural enterprises, including recognizing and supporting existing and new farms and identifying opportunities to preserve and expand agriculture.
6. Serve as a conduit between local farmers and East Hampton government, non-profit agencies, civic organizations and non-farm residents and provide advisory services.
7. Act as a Town resource for agriculture and conservation information; educate municipal officials about agricultural laws and safety issues.
8. Identify, pursue and sponsor grant sources for farmers and municipalities.
9. Support local, regional and state vocational agricultural programs concerning agricultural matters.
10. Identify innovative opportunities for agriculture.
11. Create a climate that supports the economic viability of agriculture in East Hampton.

MEMBERSHIP: The Agriculture Commission shall consist of seven (7) voting members appointed by the Town Council at least two (2) of which shall be from the agriculture community. In addition, three (3) East Hampton youths, under the age of 19 shall serve as non-voting ex-officio members recommended by the Commission and appointed by the Town Council. The failure of a voting member to attend four (4) consecutive meetings of the Commission may constitute cause for the Town Council to remove the member and fill the position thus vacated. A chair and vice chair shall be elected by the Commission and serve for a term of one year.

LENGTH OF TERM: The members of the Commission shall serve three-year terms, provided, however, that with the first appointment by the Town Council, four regular members shall be appointed for three-year terms with the remaining members appointed for two-year terms. The ex-officio youth members shall serve one-year terms.

This Ordinance shall take effect twenty (20) days after publication in accordance with Connecticut General Statutes.

Dated at East Hampton Connecticut this ____ day of _____ 2013.

Town of East Hampton, Connecticut Business Incentive Program Ordinance

A. Purpose

The purpose of the Business Incentive Program is, in accord with the Town's Plan of Conservation and Development (POCD), to attract appropriate new businesses to the Town, promote the expansion of existing businesses (including home-based businesses relocating into commercial, industrial, and design development zones), and to encourage the rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town:

- (1) to assist in the creation of jobs for local residents,
- (2) to create long term tax base growth through the appropriate replacement, reconstruction, expansion or remodeling of existing business facilities,
- (3) to encourage the construction of new commercial and industrial facilities in accord with the Future Land Use Plan found in the Town's POCD, and
- (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.

B. Business Incentive Program Ordinance; Authority

Subject to Connecticut General Statutes (CGS) Sec. 12-65b and Sec. 12-65h the Town of East Hampton (the Town) shall, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property, or an interest in real property upon which is located or proposed to be located a manufacturing facility as defined in subdivision (72) of CGS Sec. 12-81, fixing the assessment of the real property and all improvements to be constructed thereon and therein or of the personal property located in the manufacturing facility, which is the subject of the agreement in accordance with the provisions of Section I of this Ordinance.

C. Economic Development Commission

The East Hampton Economic Development Commission (EDC or "the Commission") shall provide any property owner or lessee with general information concerning the Business Incentive Program (the Program), prepare and supply interested parties with an Application to participate in the Program and any other information that may be reasonably requested by an interested party. An "interested party" is one who owns or proposes to acquire an interest in real property as defined in CGS Sec. 12-65b and who is considering replacement, reconstruction, expansion, or remodeling of existing business facilities located or to be located in East Hampton.

The EDC shall perform such research about any party applying to participate in the Program to effectuate the purposes of this Ordinance and may request of any such party any relevant information that in the opinion of the EDC bears upon consideration of the application. The EDC shall obtain from the Tax Assessor an evaluation of the impact of

any proposed abatement of taxes on the applicable Grand List and an estimate of the impact on future Grand Lists.

D. General Requirements

Applications properly filed with the Town will be considered for the Program, provided:

- Applicant must possess a good environmental practices history and be able to demonstrate adequate financial strength to finance the proposed capital improvements and expansions to the real property and machinery and equipment purchases that would be the subject of the agreement.
- The proposed use is located in an appropriate zone as defined by East Hampton's Zoning Regulations.
- The proposed use receives approvals, licenses, and permits of the East Hampton Planning and Zoning Commission and of other East Hampton, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, as required.
- No real estate property tax or other tax or fee or municipal charge due East Hampton by the Applicant, the businesses, or any other business organization or entity owned or controlled by the Applicant is unpaid at the time the Application is submitted or at any time thereafter.
- If the Applicant is relocating its business to East Hampton, the applicant should provide a five year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated.
- The project must have a clear economic benefit to East Hampton, as described by the Applicant on the application.

Notwithstanding the results of any scoring under Section H, if the overall project does not constitute a net economic benefit to and otherwise improve the quality of life in the Town, the Commission shall decline to refer the application to the Council for its consideration.

E. Application Procedure

All tax incentive requests shall be made in writing on a form referred to as Business Incentive Program Application ("the Application") published and provided by the EDC and approved by the Town Council ("Council"). The application and all accompanying documentation shall be submitted in duplicate at the Office of the Clerk. Upon receipt by the Clerk, one copy of the Application and materials shall be provided to the EDC for preliminary review and the Clerk shall also provide notice to the Council that an Application has been submitted. "Receipt by the Clerk" means that the Applicant's Application and all accompanying documentation has been filed with the Town's Clerk of the Court.

The following timeframes for action are not mandatory, but the EDC and the Council shall use reasonable efforts to meet the following timeframe in their consideration of the Application: Within ten (10) days of the Receipt of the Clerk, the Clerk shall forward a copy of the Application and materials to the EDC and provide notice to the Council that an Application has been submitted. Upon its receipt of the Application, the EDC shall have 45 days to review the Application, request additional information and meet with the Applicant and/or the Applicant's representative. Provided the Applicant has submitted all of the information required in the Application, by the Ordinance, and by the EDC, the EDC will within 30 days thereafter report its findings to the Council. If the report of the EDC is favorable to the applicant, the Council will place the report (along with the Town Manager's Tax Impact Report (as defined herein)) on the agenda of the next regularly scheduled Council meeting for discussion and action. Nothing herein, however, shall preclude the EDC and/or Council from continuing their consideration of the Application for any reason and/or in the regular course of their deliberations. If the Council approves the EDC report (with or without any conditions or limitations), the Town Manager and the Applicant shall enter into a written agreement which shall incorporate the terms and conditions of any afforded tax abatement including, without limitation, the timely fulfillment by the Applicant of the criteria predicated the tax abatement. The Final agreement shall be subject to additional and affirmative vote of the Council.

F. Assessment of the Property Subject to the Agreement

The East Hampton Assessor shall, in the Assessor's sole discretion, determine the assessment of the real property or the personal property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement.

G. Guidance for Scoring Applications and Implementing this Ordinance

The purpose of this ordinance is to encourage economic growth in the Town that is in accord with the POCD in effect at the time of the given application. The POCD reflects the strongest expression of the Town's intentions for its future development, character, and quality of life. Accordingly, there is room for flexibility in scoring under Criteria listed in Section H of this Ordinance.

When scoring a new application, the members of the EDC shall strive for consistency and transparency. All like applications shall receive equal treatment and the EDC shall consult the scoring of previously granted applications when scoring a new application. Consistency between like applications must be balanced, however, with the goals of the POCD in effect at the time. Where no similar application has been submitted, care should be taken to score the new application relative to the goals of the POCD and relative to the merits of any previous application.

Only the EDC shall approve or deny an application for consideration by the Council and any adverse decision is not appealable by the Applicant. When approving or denying an application the EDC should issue a written statement showing the scoring and explaining

its reasoning. It is recognized that evaluation of an application under this ordinance requires a blend of quantitative and qualitative reasoning; the Commission to strive to make that reasoning plain.

Projects recommended to the Council must evince a clear net benefit (economic and quality of life) to the Town. In addition to the EDC report referenced herein, the Town Manager, in conjunction with the East Hampton Tax Assessor, shall provide to the Council its best estimate of the total dollar amount of taxes abated should the tax abatement proposed by the EDC be approved by the Council in its full amount (the "Town Manager's Tax Impact Report").

Notwithstanding to the contrary contained herein, final approval or denial of the Application (previously approved by the EDC) or conditioning or limiting any approval shall be within the sole and final discretion of the Council and any evaluation, weighting or scoring of the Application and its impact on the Town, including any determination of its net economic impact and quality of life on the Town shall be strictly advisory (and not binding) on the Council.

H. Scoring Criteria Category Definitions

1. Location: Only projects within those areas zoned "Commercial," "Industrial," or "Design Development" according to the Zoning Map for the Town of East Hampton (*see* POCD) are eligible for consideration under this Ordinance. Points under this section may be awarded for Properties located in the following priority areas:
 - a. Village Center: Properties located in the Village Center district as defined by the Zoning Map for the Town of East Hampton are eligible for a maximum of 10 points.
 - b. Cobalt Center: Properties located on Route 66 between its junction with Old Depot Hill Road and its junction with Old Middletown Road are eligible for a maximum of 7 points.

Maximum points: 10

2. Use: In accord with the needs identified by the POCD and as appropriate to the site and location in town, the following uses may qualify for points: Transient housing (hotels/motels), rental housing, workforce housing, light industrial/light manufacturing, healthcare and medical services, high-technology businesses, retail, and dining. Projects for these uses may be awarded 5 points. At the EDC's discretion, "high needs" uses under these categories may be awarded up to 10 points.

Maximum points: 10

3. Brownfields: East Hampton contains a number of sites designated as “Brownfields” by the USEPA. Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off green spaces and working lands – all of which are goals of East Hampton’s POCD.

Any application that proposes to remediate and commit to reuse a Brownfield as designated by the EPA or the State of Connecticut is eligible for 10 points.

Depending upon the project, financing and other factors, the Town may also seek to partner with the applicant for Federal grant funding or supply other in-kind considerations.

Maximum points: 10

4. Revitalization of an existing, inhabited structure, such revitalization defined as at least:
 - a. Façade improvement: Substantial investment in improving the outward appearance of the structure or to restore non-trivial deterioration as determined by the Commission, or
 - b. Rehabilitation: Significant alteration of the interior and/or exterior of a property that would result in a greater than 25% increase in its valuation, or
 - c. Historical: Additional points may be awarded to either of the forgoing categories where the property is designated as “historic” by recognized Town, State or National authorities (including the Connecticut Trust for Historic Preservation), or lies within a Town-designated historic district, and such designation or location requires the adoption of techniques or design elements.

The Commission may award between 5 and 10 points for any project that falls into one of these three categories. Placement in the range is at the discretion of the Commission and will take into account such things as the cost and difficulty of the work.

Maximum points: 10

5. Use of a Vacant Property: The applicant may be awarded 5 points if proposing to occupy a building which has been unoccupied for a period greater than 12 months at the time the applicant signed a lease or closed on the property. If, in the opinion of the EDC, the property can be considered “blighted,” 10 points may be awarded.

Maximum points: 10

6. Number of Jobs Created for Local Residents: Points may be awarded based upon the number of non-seasonal Full Time Equivalent positions (FTEs) for local residents the business will generate for a period of time not less than _____:

- 1-5 FTEs: 5 points
- 5-10 FTEs: 7 points
- More than 10 FTEs: 10 points

Maximum points: 10

7. Cost of Services to the Town: A project or use proposed by an applicant may require the Town to assume an extraordinary cost beyond normal maintenance and upkeep.. For example: a chemical manufacturer may require the Town to retrain and potentially re-equip its fire protection services. If the Commission determines such is the case, no points may be awarded under this category.

If no such cost exists, 5 points may be awarded.

The Commission may ask the Applicant to pay for a Fiscal Impact Analysis, to be conducted by a consultant approved by the Commission.

The Applicant may be given the opportunity to show that the Commission's determination of the cost to the Town is in error, provided, however, that the Commission's determination is final (as to the Applicant).

Maximum points: 5

8. Design of the Building or Renovation: The Commission may award 10 points when applicant can show that the design of the renovation brings the structure into compliance with current Town Building Design Guidelines for its zone.

The Commission may award 5 points when an applicant can show that the design of a new structure complies with current Town Building Design Guidelines for its zone.

Maximum points: 10

9. Sustainable Building: The Commission may award 2 points for each of the following and up to 10 points total:

- If the investment will result in the business generating at least 20% of its own energy requirements.
- If the investment will result in the business feeding energy back into the grid.

- If the project meets at minimum LEED Gold standard or equivalent. (As of this writing, LEED is the dominant evaluation system in the US market and the one favored for use by the GSA.)
- If the project requires a public transportation node such as a bus stop.
- If the project supplies a recharge station for electric vehicles.
- Water-saving fixtures throughout.

“Sustainability” characteristics and measures are constantly evolving and the Commission may update this list periodically as it sees fit.

Maximum points: 10

10. Amount Invested

10 points	\$3M or larger investment in construction or renovations
9 points	\$1M or larger investment in construction or renovations
8 points	\$800k or larger investment in construction or renovations
7 points	\$500k or larger investment in construction or renovations
6 points	A business new to that parcel investing over \$300k or a business existing on that parcel investing at least \$250k in construction or renovations
5 points	A business new to that parcel investing over \$200k or a business existing on that parcel investing at least \$100,000 in construction or renovations

Maximum points: 10

Total Available Points: 95

I. Tax Incentive Tiers and Implementation

Depending upon the number of points an Application receives, it may be denied or, if approved, subject to a final vote by the Council (in conjunction with the net economic benefits and quality of life qualifications set forth in Section D and G being met), and provided with one of tiers of tax abatement as follows:

Fewer than 24 points
or determination
of substantial expense
to Town: Denied

25-44 points: Third tier benefit: 70% of fixed assessment abated for two years, or 50% of fixed assessment abated for four years.

45-69 points: Second tier benefit: 70% of fixed assessment abated for three years, or 50% of fixed assessment abated for five years.

More than 70 points: Highest benefit: 100% of fixed assessment abated for years 1-3, 70% of fixed assessment abated for years 4-5, 50% of fixed assessment abated for year 6.

The Town may abate real estate property taxes based on increased real property tax assessments up to but not more than the percentages shown above.

The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the October 1 immediately following the issuance of a Certificate of Occupancy by the appropriate building official for construction of the buildings or manufacturing facilities or other structures and all improvements in or on the real property which is the subject of the agreement. Notwithstanding anything written in this Ordinance, the Town may, in its sole discretion, offer to enter into an agreement with the Applicant for the abatement of taxes of a lesser percentage and/or fewer years.

On a case by case basis, the Town may provide other incentives in addition to the incentives provided by CGS Sec. 12-65b and Sec. 12-65h or in lieu thereof as follows: (1) waiver of building permit fees; (2) waiver of filing fees with land use agencies; or, (3) provision of in-kind services such as construction of access roads, or road widening, construction of storm drains and culverts, sidewalks, or curbing, extension of water and/or sewer lines or other public improvements.

Machinery and equipment defined in subdivision (72) of CGS Sec. 12-81 and intended to qualify for tax relief pursuant to Sec. 12-65h shall have for federal income tax purposes a depreciable useful life of five or seven years.

In addition any other requirements provided herein, entitlement to any tax abatement shall be subject to the following requirement: Construction shall commence within six months of, and not prior to, final approval by the Town and shall be completed no later than 24 months from the date of final approval by the Town. The times for commencement and completion of the construction are mandatory except Applicant's performance may be excused when the Applicant is prevented from performing by causes beyond the Applicant's control, including natural disasters or other calamities or a state or national declared state of emergency.

J. Default by the Owner or Lessee Under the Terms of the Agreement; Recapture

Abatement of taxes under this ordinance constitutes a municipal subsidy to the successful applicant. In the event that the Applicant fails to meet negotiated benchmarks or other requirements as described herein, they shall, by the terms of the Agreement, be required

to repay all abated amounts, with interest consistent with CGS 12-146as of the date of default.

In addition to the specific timing benchmarks noted in Section I, the Town is encouraged to establish relevant benchmarks to be met by a successful Applicant related to the nature of the business or the project. At a minimum they must include the following triggers.

In the event the owner or lessee of the real property:

1. At any time fails pay real estate and/or personal property taxes when due and payable;
2. Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the Agreement;
3. Fails to perform or satisfy any term, condition or benchmark of the Agreement;
4. Within 10 years of the date of the Agreement, Applicant ceases doing business or operations at the property which is the subject of the Agreement or if the property or lease is taken under a writ of execution or becomes the subject of foreclosure proceedings; or
5. Abandons at any time the real property or in the case of the lessee purports to assign its lease without the express consent of the Town as set forth in Section K of this Ordinance; or,

such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (a) the right of the owner and/or lessee under the terms of the agreement shall cease and come to an end; and (b) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted under the terms of the agreement shall be terminated; and (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

K. Workout Terms

It is of no benefit to East Hampton to drive an Applicant in default into further economic straits by virtue of an onerous repayment plan. Terms for the recapture of abated taxes as described in Section J should be calculated to ensure the recapture of the highest possible

percentage of public funds, taking into account the fiscal reality of the Applicant, the circumstances of the default, and the state of the project.

L. Assignment of the Agreement

The Agreement between the town and the Applicant shall not be assigned by the Applicant to any person(s) or business organization or entity or estate or trust without the express consent of both the Council and the EDC which shall signify their consents by an affirmative vote taken at a separate meeting of each body duly noticed for the stated purpose. Additionally, this Agreement, to the fullest extent allowed by law, shall not be assignable in any federal bankruptcy proceeding or assignment for the benefit of creditors. A conveyance of real property or a transfer of ownership of the business or substantially all of the assets of the business which is the subject of the agreement to a person or business organization or entity that is not owned or controlled by the Applicant, shall not constitute a valid assignment of the Agreement or vest any rights under the Agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee or transferee including but not limited to any remaining tax abatements under the terms of the agreement. A “controlled entity” means a business which is eighty or more percent owned by the grantor or transferor.

M. Amendments to Applicable Statutes

All references in this Ordinance to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.

N. Effective Date

This ordinance shall become effective twenty (20) days after publication in accordance with Connecticut General Statutes. Adopted _____, [date]. Published [paper], [date]/

Town of East Hampton, Connecticut Business Incentive Program Ordinance

A. Purpose

The purpose of the Business Incentive Program is, in accord with the Town's Plan of Conservation and Development (POCD), to attract **appropriate** new businesses to the Town, promote the expansion of existing businesses (including home-based businesses relocating into commercial, industrial, and design development zones), and to encourage the rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town:

- (1) to assist in the creation of jobs for local residents,
- (2) to create long term tax base growth through the appropriate replacement, reconstruction, expansion or remodeling of existing business facilities,
- (3) to encourage the construction of new commercial and industrial facilities in accord with the Future Land Use Plan found in the Town's POCD, and
- (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.

B. Business Incentive Program Ordinance; Authority

Subject to Connecticut General Statutes (CGS) Sec. 12-65b and Sec. 12-65h the Town of East Hampton (the Town) **shall may**, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property, or an interest in real property upon which is located or proposed to be located a manufacturing facility as defined in subdivision (72) of CGS Sec. 12-81, fixing the assessment of the real property and all improvements to be constructed thereon and therein or of the personal property located in the manufacturing facility, which is the subject of the agreement in accordance with the provisions of Section I of this Ordinance.

C. Economic Development Commission

The East Hampton Economic Development Commission (EDC or "the Commission") shall provide any property owner or lessee with general information concerning the Business Incentive Program (the Program), prepare and supply interested parties with an Application to participate in the Program and any other information that may be reasonably requested by an interested party. An "interested party" is one who owns or proposes to acquire an interest in real property as defined in CGS Sec. 12-65b and who is considering replacement, reconstruction, expansion, or remodeling of existing business facilities located or to be located in East Hampton.

The EDC **shall may** perform **such** research about any party applying to participate in the Program **to effectuate the purposes of this Ordinance** and may request of any such party any relevant information that in the opinion of the EDC bears upon consideration of the application. The EDC shall obtain from the Tax Assessor an evaluation of the impact of

any proposed abatement of taxes on the applicable Grand List and an estimate of the impact on future Grand Lists.

D. General Requirements

Applications properly filed with the Town will be considered for the Program, provided:

- Applicant must possess a good environmental practices history and be able to demonstrate adequate financial strength to finance the proposed capital improvements and expansions to the real property and machinery and equipment purchases that would be the subject of the agreement.
- The proposed use is located in an appropriate zone as defined by East Hampton's Zoning Regulations.
- The proposed use receives approvals, licenses, and permits of the East Hampton Planning and Zoning Commission and of other East Hampton, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, as required.
- No real estate property tax or other tax or fee or municipal charge due East Hampton by the Applicant, the businesses, or any other business organization or entity owned or controlled by the Applicant is unpaid at the time the Application is submitted or at any time thereafter.
- If the Applicant is relocating its business to East Hampton, the applicant should provide a five year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated.
- The project must have a clear economic benefit to East Hampton, as described by the Applicant on the application.

Notwithstanding the results of any scoring under Section H, if the **overall** project does not constitute a net **economic benefit to and otherwise improve the quality of life in** ~~benefits to the Town, —economically, civically, or in quality of life—~~ **the Economic Development** the Commission ~~shall~~ **may** decline to refer the application to the Council for **its** consideration.

E. Application Procedure

All tax incentive requests shall be made in writing on a form referred to as Business Incentive Program Application ("the Application") published and provided by the EDC and approved by the Town Council ("Council"). The application and all accompanying documentation shall be submitted in duplicate at the Office of the Clerk. ~~(?)~~ Upon receipt by the Clerk, one copy of the Application and materials shall be provided to the EDC for preliminary review and the Clerk **shall also** ~~ould~~ provide notice to the Council that an Application has been submitted. "Receipt by the Clerk" means **that the Applicant's an** Application and all accompanying documentation **has been filed with the Town's Clerk of the Court.** ~~required in accordance with all applicable provisions of this Ordinance is submitted.~~

The following timeframes for action are not mandatory, but the EDC and the Council shall use reasonable efforts ~~ould-strive~~ to meet the following timeframe in their consideration of the Application: Within ten (10) days of the Receipt of the Clerk, the Clerk shall forward a copy of the Application and materials to the EDC and provide notice to the Council that an Application has been submitted. Upon its receipt ~~From date of receipt by the Clerk~~ of the Application, the EDC shall have 45 days to review the Application, request additional information and meet with the Applicant and/or the Applicant's representative. Provided the Applicant has submitted all of the information required in the Application, by the Ordinance, and by the EDC, the EDC will within 30 days thereafter report its findings to the Council. If the report of the EDC is favorable to the applicant, the Council will place the report (along with the Town Manager's Tax Impact Report (as defined herein)) on the agenda of the next regularly scheduled Council meeting for discussion and action. Nothing herein, however, shall preclude the EDC and/or Council from continuing their consideration of the Application for any reason and/or in the regular course of their deliberations. If the Council approves the EDC report (with ~~or without any conditions or limitations~~), the ~~First Selectman~~ Town Manager and the Applicant shall enter into a written agreement which shall incorporate the terms and conditions of any afforded tax abatement including, without limitation, the timely fulfillment by the Applicant of the criteria predating the tax abatement. The Final agreement shall be (subject to additional and ~~a~~ affirmative vote) vote of the Council ~~by the Board of Finance and the Town Meeting~~ which agreement accompanied by the report will be referred to the Board of Finance for review and action. If the Board of Finance approves the financial terms of the agreement, the Council shall place the agreement on the agenda of the next Town Meeting for its review and action.

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F. Assessment of the Property Subject to the Agreement

The East Hampton Assessor shall, in the Assessor's sole discretion, determine the assessment of the real property or the personal property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement.

G. Guidance for Scoring Applications and Implementing this Ordinance

The purpose of this ordinance is to encourage economic growth in the Town that is in accord with the POCD in effect at the time of the given application. The POCD reflects the strongest expression of the Town's intentions for its future development, character, and quality of life. Accordingly, there is room for flexibility in scoring under Criteria listed in Section H of this Ordinance.

When scoring a new application, the members of the EDC shall ~~ould~~ strive for consistency and transparency. All ~~like~~ applications shall receive ~~ould receive equal like~~ treatment and ~~It is appropriate even essential for the~~ EDC shall ~~to~~ consult the scoring of previously granted applications when scoring a new application. Consistency between like applications must be balanced, however, with the goals of the POCD in

effect at the time. Where no similar application has been submitted, care should be taken to score the new application relative to the goals of the POCD and relative to the merits of any previous application.

Only the EDC shall ~~may~~ approve or deny an application for consideration by the Council and ~~any adverse its~~ decision is not appealable ~~by the Applicant~~. When approving or denying an application the EDC should issue a written statement showing the scoring and explaining its reasoning. ~~Projects recommended to the Council must evince a clear net benefit to the Town.~~ It is recognized that evaluation of an application under this ordinance requires a blend of quantitative and qualitative reasoning; the Commission to strive to make that reasoning plain.

Projects recommended to the Council must evince a clear net benefit (economic and quality of life) to the Town. In addition to the EDC report referenced herein, the Town Manager, in conjunction with the East Hampton Tax Assessor, shall provide to the Council its best estimate of the total dollar amount of taxes abated should the tax abatement proposed by the EDC be approved by the Council in its full amount (the "Town Manager's Tax Impact Report").

Notwithstanding to the contrary contained herein, final approval or denial of the Application (previously approved by the EDC) or conditioning or limiting any approval shall be within the sole and final discretion of the Council and any evaluation, weighting or scoring of the Application and its impact on the Town, including any determination of its net economic impact and quality of life on the Town shall be strictly advisory (and not binding) on the Council.

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H. Scoring Criteria Category Definitions

1. Location: Only projects within those areas zoned "Commercial," "Industrial," or "Design Development" according to the Zoning Map for the Town of East Hampton (*see* POCD) are eligible for consideration under this Ordinance. Points under this section may be awarded for Properties located in the following priority areas:
 - a. Village Center: Properties located in the Village Center district as defined by the Zoning Map for the Town of East Hampton are eligible for a maximum of 10 points.
 - b. Cobalt Center: Properties located on Route 66 between its junction with Old Depot Hill Road and its junction with Old Middletown Road are eligible for a maximum of 7 points.

Maximum points: 10

2. Use: ~~Those uses set forth in Section 12-65b(b) of the Connecticut General Statutes, as may be amended from time to time. In accord with the needs identified by the POCD and as appropriate to the site and location in town, the following uses may qualify for points: Transient housing (hotels/motels), rental housing, workforce housing, light industrial/light manufacturing, healthcare and medical services, high technology businesses, retail, and dining.~~ Projects for these uses may be awarded 5 points. At the EDC's discretion, "high needs" uses under these categories may be awarded up to 10 points.

Comment [FDJ1]: I am concerned that all of the uses previously set forth fall within those allowed under the statute.

Maximum points: 10

3. Brownfields: East Hampton contains a number of sites designated as "Brownfields" by the USEPA. Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off ~~greenspaces~~ green spaces and working lands – all of which are goals of East Hampton's POCD.

Any application that proposes to remediate and commit to reuse a Brownfield as designated by the EPA or the State of Connecticut is eligible for 10 points.

Depending upon the project, financing and other factors, the Town may also seek to partner with the applicant for Federal grant funding or supply other in-kind considerations.

Maximum points: 10

4. Revitalization of an existing, inhabited structure, such revitalization defined as at least:
- a. Façade improvement: Substantial investment in improving the outward appearance of the structure or to restore non-trivial deterioration as determined by the Commission, or
 - b. Rehabilitation: Significant alteration of the interior and/or exterior of a property that would result in a greater than 25% increase in its valuation, or
 - c. Historical: Additional points may be awarded to either of the forgoing categories where the property is designated as “historic” by recognized Town, State or National authorities (including the Connecticut Trust for Historic Preservation), or lies within a Town-designated historic district, and such designation or location requires the adoption of techniques or design elements.

The Commission may award between 5 and 10 points for any project that falls into one of these three categories. Placement in the range is at the discretion of the Commission and will take into account such things as the cost and difficulty of the work.

Maximum points: 10

5. Use of a Vacant Property: The applicant may be awarded 5 points if proposing to occupy a building which has been unoccupied for a period greater than 12 months at the time the applicant signed a lease or closed on the property. If, in the opinion of the EDC, the property can be considered “blighted,” 10 points may be awarded.

Maximum points: 10

6. Number of Jobs Created: Points may be awarded based upon the number of non-seasonal Full Time Equivalent positions (FTEs) the business will generate:

1-5 FTEs: 5 points
5-10 FTEs: 7 points
More than 10 FTEs: 10 points

Maximum points: 10

7. Cost of Services to the Town: A project or use proposed by an applicant may require the Town to assume an extraordinary cost ~~beyond~~ **beyond normal maintenance and upkeep**. ~~these costs~~ **—contemplated by an impact fee.** For example: a chemical manufacturer may require the Town to retrain and potentially re-equip its fire protection services. If ~~the Commission determines such is the case,~~ no points may be awarded under this ~~—~~ category.

If no such cost exists, 5 points may be awarded.

The Commission may ask the Applicant to pay for a Fiscal Impact Analysis, to be conducted by a consultant approved by the Commission.

The Applicant may be given the opportunity to show that the Commission's determination of the cost to the Town is in error, **provided**, however, **that the the** Commission's ~~makes the final~~ determination **is final (as to the Applicant)**.

Maximum points: 5

8. Design of the Building or Renovation: The Commission may award 10 points when applicant can show that the design of the renovation brings the structure into compliance with current Town Building Design Guidelines for its zone.

The Commission may award 5 points when an applicant can show that the design of a new structure complies with current Town Building Design Guidelines for its zone.

Maximum points: 10

9. Sustainable Building: The Commission may award 2 points for each of the following and up to 10 points total:

- If the investment will result in the business generating at least 20% of its own energy requirements.
- If the investment will result in the business feeding energy back into the grid.
- If the project meets at minimum LEED Gold standard or equivalent. (As of this writing, LEED is the dominant evaluation system in the US market and the one favored for use by the GSA.)
- If the project requires a public transportation node such as a bus stop.
- If the project supplies a recharge station for electric vehicles.
- Water-saving fixtures throughout.

"Sustainability" characteristics and measures are constantly evolving and the Commission may update this list periodically as it sees fit.

Maximum points: 10

10. Amount Invested

10 points	\$3M or larger investment in construction or renovations
9 points	\$1M or larger investment in construction or renovations
8 points	\$800k or larger investment in construction or renovations
7 points	\$500k or larger investment in construction or renovations
6 points	A business new to that parcel investing over \$300k or a business existing on that parcel investing at least \$250k in construction or renovations
5 points	A business new to that parcel investing over \$200k or a business existing on that parcel investing at least \$100,000 in construction or renovations

Maximum points: 10

Total Available Points: 95

I. Tax Incentive Tiers and Implementation

Depending upon the number of points an Application receives, it may be denied or, if approved, subject to a final vote by the Council (in conjunction with the net economic benefits and quality of life qualifications set forth in Section D and G being met), and provided with one of tiers of tax abatement as follows:

Fewer than 24 points
or determination
of substantial expense
to Town:

Denied

25-44 points:

Third tier benefit: 70% of fixed assessment abated for two years, or 50% of fixed assessment abated for four years.

45-69 points:

Second tier benefit: 70% of fixed assessment abated for three years, or 50% of fixed assessment abated for five years.

More than 70 points:

Highest benefit: 100% of fixed assessment abated for years 1-3, 70% of fixed assessment abated for years 4-5, 50% of fixed assessment abated for year 6.

The Town may abate real estate property taxes based on increased real property tax assessments up to but not more than the percentages shown above.

The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the October 1 [DATE] immediately following the issuance of a Certificate of Occupancy by the appropriate building official for construction of the buildings or

manufacturing facilities or other structures and all improvements in or on the real property which is the subject of the agreement. Notwithstanding anything written in this Ordinance, the Town may, in its sole discretion, offer to enter into an agreement with the Applicant for the abatement of taxes of a lesser percentage and/or fewer years.

On a case by case basis, the Town may provide other incentives in addition to the incentives provided by CGS Sec. 12-65b and Sec. 12-65h or in lieu thereof as follows: (1) waiver of building permit fees; (2) waiver of filing fees with land use agencies; or, (3) provision of in-kind services such as construction of access roads, or road widening, construction of storm drains and culverts, sidewalks, or curbing, extension of water and/or sewer lines or other public improvements.

Machinery and equipment defined in subdivision (72) of CGS Sec. 12-81 and intended to qualify for tax relief pursuant to Sec. 12-65h shall have for federal income tax purposes a depreciable useful life of five or seven years.

In addition any other requirements provided herein, entitlement to any tax abatement shall be subject to the following requirement: Construction shall commence within six months of, and not prior to, final approval by the Town and shall be completed no later than 24 months from the date of final approval by the Town. The times for commencement and completion of the construction are mandatory except Applicant's performance may be excused when the Applicant is prevented from performing by causes beyond the Applicant's control, including natural disasters or other calamities or a state or national declared state of emergency.

J. Default by the Owner or Lessee Under the Terms of the Agreement; Recapture

Abatement of taxes under this ordinance constitutes a municipal subsidy to the successful applicant. In the event that the Applicant fails to meet negotiated benchmarks or other requirements as described herein, they shall, by the terms of the Agreement, be required to repay all abated amounts, with interest consistent with CGS 12-146 equal to the rate of inflation as of the date of default.

In addition to the specific timing benchmarks noted in Section I, the Town is encouraged to establish relevant benchmarks to be met by a successful Applicant related to the nature of the business or the project. At a minimum they must include the following triggers.

In the event the owner or lessee of the real property:

1. At any time fails pay real estate and/or personal property taxes when due and payable;
2. Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the Agreement;

3. Fails to perform or satisfy any term, condition or benchmark of the Agreement;
4. Within 10 years of the date of the Agreement, A-applicant ceases doing business or operations at the property which is the subject of the Agreement becomes insolvent or — bankrupt or files any debtor proceedings or others file such debtor — proceedings against the owner or lessee,, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within 90 days or such — other proceedings have not been dismissed or withdrawn by such other — parties within 90 days or makes an assignment for the benefit of creditors or if the property or lease is taken under and writ of execution or becomes — the subject of foreclosure proceedings; or
5. Abandons at any time the real property or in the case of the lessee purports to assign its lease without the express consent of the Town as set forth in Section K of this Ordinance; or,
5. Fails to perform any obligation of owner or lessee or attain any benchmark — set under the terms of the agreement

such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (a) the right of the owner and/or lessee under the terms of the agreement shall cease and come to an end; and (b) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted under the terms of the agreement shall be terminated; and (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

K. Workout Terms

It is of no benefit to East Hampton to drive an Applicant in default into further economic straits by virtue of an onerous repayment plan. Terms for the recapture of abated taxes as described in Section J should be calculated to ensure the recapture of the highest possible percentage of public funds, taking into account the fiscal reality of the Applicant, the circumstances of the default, and the state of the project.

L. Assignment of the Agreement

The Agreement between the town and the Applicant shall not be assigned by the Applicant to any person(s) or business organization or entity or estate or trust without the express consent of both the Council and the EDC which shall signify their consents by an affirmative vote taken at a separate meeting of each body duly noticed for the stated purpose. Additionally, this Agreement, to the fullest extent allowed by law, shall not be assignable in any federal bankruptcy proceeding or assignment for the benefit of creditors. A conveyance of real property or a transfer of ownership of the business or substantially all of the assets of the business which is the subject of the agreement to a person or business organization or entity that is not owned or controlled by the Applicant, shall not constitute a valid assignment of the Agreement or vest any rights under the Agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee or transferee including but not limited to any remaining tax abatements under the terms of the agreement. A "controlled entity" means a business which is eighty or more percent owned by the grantor or transferor.

M. Amendments to Applicable Statutes

All references in this Ordinance to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.

N. Effective Date

This ordinance shall become effective twenty (20) fifteen-days after publication in accordance with Connecticut General Statutes, newspaper having circulation in the Town. Adopted _____, [date]. Published [paper], [date]/

EAST HAMPTON PUBLIC SAFETY FACILITY COMMITTEE RESOLUTION

9-1327-13 Draft v-2&v-3

Whereas, the Town's Police Department and Fire Department facilities need to be reviewed and a plan needs to be developed and implemented to ensure that these public safety facilities provide the dedicated space, infrastructure and technology needed to offer the best public safety practices and program for our community;

Whereas, the Town Council passed a motion on _____ to establish a Public Safety Facility Committee for the purpose of researching, planning and overseeing the development, and design of a Public Safety Facility improvement plan; and

Whereas, there is a recognized need by the Town to comply with State and Federal mandates, State Statutes and best practices for police and fire protection; and

Whereas, it ~~is~~ **may be** necessary that the Town's legislative body create a Public Safety Facility Committee in order for the Town of East Hampton to receive possible funding from the State or Federal government; nonprofit organizations; and public and private foundations; and

Whereas, it is also essential that such a Public Safety Center be planned and completed in the most cost-efficient and transparent manner for the benefit of our taxpayers; it is therefore,

Be It Resolved by the East Hampton Town Council, effective as of the date hereof, that the East Hampton Public Safety Facility Committee is established to evaluate the Town's current safety facilities, identify issues and deficiencies with the existing facilities, if any, and make recommendations regarding the town's public safety facilities; it is further resolved that the East Hampton Public Safety Facility Committee shall receive staff and budgetary support as directed by the Town Manager; and be it further resolved that the Public Safety Facility Committee shall have the following powers and duties and be constituted as follows:

Creation, Compensation, Composition, Term, Vacancies

- a) *Membership*. There shall be one (1) Public Safety Facility Committee with a membership composed of seven (7) members. All members shall serve without compensation and shall be appointed by the Town Council. Alternate members, when seated shall have all the powers and duties of a member of the committee.
- b) *Composition*. The members shall be comprised of residents or tax taxpayers with a diversity of professional expertise, specialization and life experience. Such diversity may be represented with expertise in the following professional backgrounds: public safety, architecture, landscape and/or building planning, finance and banking, network/IT, construction, purchasing/procurement, engineering, education, public ~~works~~ **infrastructure**. There shall be no elected officials serving on this committee.
- c) *Term*. The term of office shall be for the length of the proposed project. The duly authorized Public Safety Facility Committee shall continue as a complete committee during the entire course of the project regardless of changes in the composition of the Town Council and the Board of Finance.

- d) *Removal.* A member of the committee may be removed for cause by a majority of Town Council or by a two-thirds (2/3) vote of the entire membership of the Town Council.
- e) *Resignations.* Any member may resign from the committee by notifying the Town Manager with a 30 day written notice.
- f) *Ex officio members.* The Town Manager, Police Chief, Fire Marshall, Chairman of the Board of Fire Commissioners, Public Works Director, or their designee, shall be ex officio members of the Public Safety Facility Committee without vote.
- g) *Town Staff.* The Town shall provide ~~and~~ appropriate support staff and resources for the Public Safety Facility Committee.
- h) All committee members shall be governed by the Town of East Hampton Charter, Code of Conduct and Code of Ethics and operate using Roberts Rules of Order.

Powers and Duties

The Public Safety Facility Committee shall have the following duties and powers:

- 1) Review the Town Facilities Study, the Fire Department consultant's report (due out by end of October 2013), and any other reference material provided by the Town Manager, the Police Chief, Fire Marshall and the Board of Fire Commissioners.
- 2) Visit the Town Police Department and the Fire Department Stations 1, 2 and 3. Visit regional newly-constructed Public Safety Complexes, Police Departments and Fire Departments in Connecticut.
- 3) Explore options for a joint PD/FD/Youth Center, facility renovations and make recommendations to the Town Council within 12 months. Report quarterly to the Town Council with progress reports and a final report on findings.
- 4) The Public Safety Facility Committee created by this resolution shall cease and its membership be terminated without further action of the Town Council once the assigned project has been turned over to the Town Council; ~~provided, having that any and all insurance coverage applicable to the Public Safety Facility Committee and its members shall continue in accordance with the Town of East Hampton standard practices and policies.~~

Reports on work progress required.

The Public Safety Facility Committee shall submit, on a quarterly basis, budget and expenditure reports prepared in accordance with generally accepted accounting principals to the Town Council and the Board of Finance. Prior to their submission, such reports shall be reviewed by the Town's Finance Director. Annual budget and expenditure reports prepared in accordance with generally accepted accounting principals shall be audited by the Town's outside auditors and submitted to the Town Council and the Board of Finance. In conjunction with such annual reports, along with the Finance Director, shall provide and/or update any revisions to any projected expenditures for the project. The Finance Director shall further certify that the Public Safety Facility Committee has established and explained generally accepted internal control measures. The Public Safety Facility Committee shall also periodically report on the progress of its work to the Town Council and Board of Finance.

Adopted this _____ day of _____, 2013.

Town Council

Susan B. Weintraub, Chairperson

Glenn S. Suprono, Vice Chairman

Kyle R. Dostaler

Derek M. Johnson

Ted Hintz, Jr.

George Pfaffenbach

Barbara W. Moore

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Agenda Item: 8a

Item to be presented by: Jeff Jylkka

DATE: October 8, 2013

SUBJECT: 2012-2013 End of Year Transfers

DEPARTMENT: General Government

BACKGROUND

Annually, as the Town is nearing completion of the annual audit staff prepares transfers in order to zero out any departmental budget deficits. The transfers are an indication of a government's budget practices and principles. These transfers also serve as a communication tool to the legislative body indicating what department(s) overspent their annual appropriation.

The Board of Finance at their September 16, 2013 meeting recommended that Town Council approve the attached 2012-2013 year end budget transfers.

See attached for detail.

RECOMMENDED MOTION

Resolved that the Town Council approve the attached budget transfers for the 2012-2013 fiscal year.

ALTERNATIVE ACTIONS

Not to approve the appropriation or amend.

FISCAL IMPACT

There is no fiscal impact. This is a budget adjustment only.

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Agenda Item: 8b

Item to be presented by: Jeff Jylkka

DATE: October 8, 2013

SUBJECT: Board of Education 2012-2013 Additional Appropriation (Special Education Excess Cost Grant)

DEPARTMENT: Education

BACKGROUND

The above additional appropriation is needed to cover additional costs relating to special education tuition and related services. Annually, the State of CT reimburses the Board of Education for these additional costs. The Town does not budget for the revenue and the Board of Education does not budget for the related expenditures. Annually, the amount of the grant is re-appropriated back to the Board of Education. The accounting/budgeting for this revenue is consistent with previous years and has no affect on actual revenues or expenditures, as this is a budget only adjustment. The Board of Finance recommended that Town Council approve the additional appropriation at their September 16, 2013 meeting.

RECOMMENDED MOTION

Resolved, that the Town Council approve the additional appropriation below from state grant revenue.

Estimated Revenue

State Agency Placement Excess Cost	01962510-4404	\$ 475,055
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Appropriation

SPECIAL EDUCATION - Tuition Private	01951000-5563	\$ 400,000
SPECIAL EDUCATION - Tuition Private	01951220-5563	75,055
	Total:	\$ 475,055

Source of Funds

State of Connecticut Excess Cost Agency Placement Grant. The BOE received a total of \$475,055 during the 12-13 fiscal year.

ALTERNATIVE ACTIONS

Not to approve the appropriation.

FISCAL IMPACT

There is no fiscal impact. This is a budget adjustment only.



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

AGENDA
ITEM # 9a

September 26, 2013

Mr. Michael Maniscalco
Town Manager
Town of East Hampton
20 East High Street
East Hampton CT 06424

Dear Mr. Maniscalco:

Public Act 13-247 Section 128 established the Municipal Grants-in-Aid to provide grants to municipalities for fiscal years ending June 30, 2014 and June 30, 2015. Funds may be used as specified in Section 13a-175a(a) of the general statutes.

..to be used by the towns for construction, reconstruction, improvement or maintenance of highways, sections of highways, bridges or structures incidental to highways and bridges or the improvement thereof, including the plowing of snow , the sanding of icy pavements, the trimming and removal of trees, the installation, replacement and maintenance of traffic signs, signals and markings, and for traffic control and vehicular safety programs, traffic and parking planning and administration, and other purposes and programs related to highways, traffic and parking, and for the purposes of providing and operating essential public transportation services and related facilities.

Section 13a-175a(b) states that if a municipality wishes to use the funds for purposes other than those listed under Section 13a-175a(a); a waiver request must be sent to the Secretary of the Office of Policy and Management stating the purpose for which the grant will be used. Please note that although a municipality may not wish to use the funds for "town road" projects, the grant must be used for capital projects. The Secretary may either grant or deny the request.

Please send your executed Certification or waiver request to Shirley Corona, Office of Policy and Management, Intergovernmental Policy Division, 450 Capitol Avenue, MS# 54FOR, Hartford, CT 06106-1379 no later than November 15, 2013.

Very truly yours,

W. David LeVasseur
Acting Undersecretary
Intergovernmental Policy Division



Certification

I am the Chief Executive Officer of the Municipality listed above and have the authority to execute this certification on behalf of the Municipality. The funding to be received from the Municipal Grants-in-Aid will be used as delineated in CGS §13a-175a(a).

By: _____ Title: _____

Signed at: _____ Connecticut, this _____ day of _____, 2013.

Nancy Hasselman, CCMC
Collector of Revenue
Town of East Hampton

October 4, 2013

To: The East Hampton Town Council

Documentation of tax refunds are available in the tax office for your review if you so desire. The total refunds equal \$1,245.29.

Thank you for your assistance.

Nancy Hasselman, CCMC

Nancy Hasselman, CCMC
Collector of Revenue

3 • 38	+
147 • 53	+
388 • 80	+
72 • 25	+
33 • 15	+
106 • 73	+
7 • 16	+
33 • 31	+
5 • 46	+
49 • 40	+
42 • 08	+
79 • 89	+
77 • 49	+
193 • 66	+
1,245 • 29	*